IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 2209 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 03/11/2004 in WP NO : 22013 OF 2002 on the file of the High Court.)

Between:

Bhattiprolu Venkata Basava Subba Rao.

..... APPELLANT

AND

1. State of Andhra Pradesh, rep.by its Secretary, Department of School Education, A.P.,Hyderabad.
2 The District Educational officer, Guntur District, Guntur.

.....RESPONDENTS

Counsel for the Appellant : MR.S.R.SANKU

Counsel for the Respondents: GOVERNMENT PLEADER FOR SCHOOL EDUCATION

The Court at the stage of admission, made the following

ORDER:(PER TMK,J)

This appeal is filed by the appellant/writ petitioner against the order passed by a learned single Judge of this Court in W.P.No.22013 of 2002 dated 03.11.2004.

Admittedly, the appellant/writ petitioner retired as Head Master at A.V.V High School, Guntur on 30.4.2000. As his service record was lost, he approached this Court by way of filing W.P.No.19928 of 1999 and on the directions of this Court, the same was reconstructed. According to the appellant/writ petitioner, there were some inconsistencies and irregularities in the service record prepared, pursuant to the directions of this Court. As his pension was not settled after his retirement, he requested the District Educational Officer to sanction anticipatory gratuity as per Rule 51 of the Andhra Pradesh Revised Pension Rules, 1980 and as his request was not considered, he approached this Court by way of W.P.No.15872 of 2000 and this Court by order dated 24.4.2001 in WPMP No.10418 of 2000 and by order dated 20.3.2001 in WPMP No.20189 of 2000 directed the respondents to pay to the appellant/writ petitioner the anticipatory pension and anticipatory gratuity as per Rule 51(C) of the Revised Pension Rules, 1980. Pursuant to the said directions, the District Educational Officer, Guntur passed orders dated 13.6.2001 sanctioning the anticipatory gratuity but withheld the same on the ground that Rs.44,059/- is to be recovered from the appellant/writ petitioner. Aggrieved by the same, the

appellant/writ petitioner again approached this Court by way of W.P.No.22013 of 2002. The learned single Judge of this Court by order dated 3.11.2004 directed the respondents to release the anticipatory gratuity amount of Rs.42,944/- to the appellant/writ petitioner as expeditiously as possible.

The grievance of the appellant/writ petitioner in this writ appeal is that even before this Court disposed of W.P.No.22013 of 2002, he filed amendment petition in W.P.M.P.No.32174 of 2002 to direct the respondents to pay him the compensation for not paying the gratuity amount in time and to further direct them to pay interest at 18% per annum on the said amount, but this Court though ordered the said petition, has not passed any orders on that aspect of the matter and only directed the respondents to pay the anticipatory gratuity amount alone.

Heard the learned counsel and perused the order under appeal.

Admittedly, the appellant/writ petitioner retired from service and he is entitled to receive the gratuity amount to which he is entitled to. After his retirement, as his pension was not settled, he requested the District Educational Officer to sanction the anticipatory gratuity amount and as his request was not considered, he approached this Court and this Court gave directions to pay him the anticipatory pension and anticipatory gratuity amount and pursuant to the directions of this Court, the respondents have sanctioned the anticipatory gratuity amount but withheld the same on certain allegations and stating that he himself is due certain amounts to the government. However, in W.P.No.22013 of 2002, this Court again directed the respondents to release the anticipatory gratuity amount to the appellant/writ petitioner. The case of the appellant/writ petitioner is that he is also entitled for interest on gratuity amount and that he should be awarded compensation for the delay occurred in paying him the anticipatory gratuity amount.

Admittedly, the total amount of gratuity to which the appellant/writ petitioner is entitled to is not yet finalized. Whether the appellant/writ petitioner is entitled to interest on the delayed payments or not, would be governed by the relevant rules and this Court cannot grant such a direction even before finalizing the gratuity account of the appellant/writ petitioner. That apart, the respondents also state that the appellant/writ petitioner himself has drawn excess amounts and that he is due certain amounts to the Government. In this back ground, this Court, at present, cannot consider the request of the appellant/writ petitioner for grant of interest and

compensation. The learned single Judge has elaborately considered the case of the appellant/writ petitioner and in his discretion directed the respondents to release the anticipatory gratuity amount to him. This Court in its appellate jurisdiction cannot interfere with such discretionary orders.

Hence, we find no merit in this appeal and it is accordingly dismissed. No costs.

(T.MEENA KUMARI,J)

(S.ANANDA REDDY,J)

18.01.2005

bsv/lvl

To

1. The Secretary, State of Andhra Pradesh, Department of School Education, A.P.,Hyderabad.
2. The District Educational officer, Guntur, Guntur District.
3. Two CCs to the Government Pleader for School Education, High Court of A.P., Hyderabad (OUT)
4. Two CD copies